

are being filed concurrently with this amendment. A Notice of Appeal will be due on November 30, 2002.

Please amend the application as follows:

In the Claims

Please amend Claims 32 and 49. Amendments to the claims are indicated in the attached "Marked Up Version of Amendments" (page i).

B<sup>1</sup>  
32. (Twice Amended) A method of activating endothelial nitric oxide synthase, comprising contacting the endothelial nitric oxide synthase with an effective amount of a constitutive nitric oxide synthase activator peptide comprising an amino acid sequence selected from the group consisting of: SEQ ID NO. 4, SEQ ID NO. 5, SEQ ID NO. 6, SEQ ID NO. 7, SEQ ID NO. 8, and SEQ ID NO. 9.

B<sup>2</sup>  
49. (Twice Amended) A method of treating a disease modulated by production of nitric oxide by endothelial nitric oxide synthase in a mammal, comprising administering to the mammal an effective amount of a constitutive nitric oxide synthase activator peptide comprising an amino acid sequence selected from the group consisting of: SEQ ID NO. 4, SEQ ID NO. 5, SEQ ID NO. 6, SEQ ID NO. 7, SEQ ID NO. 8, and SEQ ID NO. 9.

REMARKS

Claims 32 and 49 have been amended to delete language concerning activating fragments and derivatives. No new matter has been added.

Rejection of Claims 32 and 49 under 35 U.S.C. 112, first paragraph

The Examiner rejected Claims 32 and 49, stating that the Specification did not provide enablement for peptides comprising activating fragments or derivatives of SEQ ID NO: 4-9.